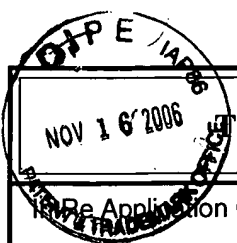


AT LFW



TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0564US

In Re Application Of: Edward O. Clapper

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/854,778	May 14, 2001	Md S. Elahee	21906	2614	8166

Invention: Establishing a Local Wireless Intranet for Retail Customers

COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:
October 25, 2006

The fee for filing this Appeal Brief is: No fee is believed to be due.

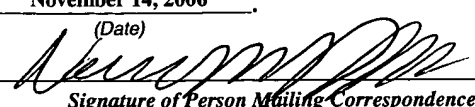
- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504. I have enclosed a duplicate copy of this sheet.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Timothy N. Trop, Reg. No. 28,994
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Dated: November 14, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>November 14, 2006</u> (Date)  Signature of Person Mailing Correspondence Nancy Meshkoff Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Edward O. Clapper

Serial No.: 09/854,778

Filed: May 14, 2001

For: Establishing a Local Wireless
Intranet for Retail Customers

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Art Unit: 2614

Examiner: Md S. Elahee

Atty Docket: ITL.0564US
(P11332)

Assignee: Intel Corporation

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APPEAL BRIEF

Date of Deposit: November 14, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

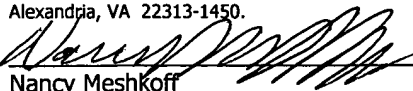

Nancy Meshkoff



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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-34 (Canceled).

Claims 35-43 (Rejected).

Claims 35-43 are rejected and claims 35, 38, 40-41, and 43 are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

Claim 35 calls for establishing a local area network (see Figure 4, item 31) in a retail facility. The information is pushed to a customer terminal (see the item 12 in various figures), coupled to said network “depending on the current location of the terminal within the retail facility.” See the specification at page 11, lines 17-24. It is there explained that when the user is close, for example, to the plumbing department, the server 34 may provide advertising information relating to particular plumbing products. Claims 38 and 41 are similar to claim 35.

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 35, 38, and 41 are anticipated under 35 U.S.C. § 102(e) by Meyers (US 2002/0087335).**
- B. Whether claims 38, 40, and 41 are anticipated under 35 U.S.C. § 102(e) by Delph (US 6,286,029).**
- C. Whether claim 43 is unpatentable under 35 U.S.C. § 103(a) over Delph (US 6,286,029) in view of Kraft (US 2002/0091568).**

ARGUMENT

A. Are claims 35, 38, and 41 anticipated under 35 U.S.C. § 102(e) by Meyers (US 2002/0087335)?

Claim 35 was rejected under Section 102 based on Meyers. However, Meyers does not teach pushing content to a mobile terminal coupled to the network depending on the location of the mobile terminal. There is no geographic information that is collected in Meyers. Meyers collects demographic information, not geographic information. The demographic information is age, income, profession, gender, hobbies. See paragraph 23. There is no pushing information to someone using a mobile terminal based on their location.

Meyer's cited page 1, paragraphs 6-9 have nothing of pertinence and Meyer's cited page 4, paragraph 87 talks about wireless networks and hot spots which are merely locations where wireless networks are active. There is no suggestion that information would be pushed based on the current position of a mobile customer terminal anywhere, much less anywhere particularly within a retail facility.

Therefore, the rejection of claim 35 should be reversed. On the same basis, the rejection of claim 38 should be reversed. Claim 41 was also rejected based on Meyers. For the same reasons, reversal would be appropriate.

B. Are claims 38, 40, and 41 anticipated under 35 U.S.C. § 102(e) by Delph (US 6,286,029)?

Claims 38 and 41 were also rejected over Delph. Like Meyers, Delph does not teach pushing information to the customer terminal coupled to the network, depending on the current location of the terminal within a retail facility. Delph does not even teach a location dependent information transmission. The material cited at column 6, lines 31-67 does not teach pushing information depending on location within a retail facility, much less pushing information based on a position within a retail facility in general.

Concerning claim 41, there is no multiple positions within the retail facility in Delph. He has a kiosk which is not going anywhere and is not going to ever have more than one location, therefore, information cannot be pushed depending on the location of the kiosk. Even if it could, and I suppose one could simply have a bunch of kiosks and give information to different kiosks,

no such concept is anywhere contained in Delph, be it at column 6, lines 31-67 or column 7, lines 25-34. With one kiosk, it is not seen how Delph could possibly have a plurality of customer terminals in the retail facility. He only has one kiosk and there is no way to get a plurality out of one. Moreover, there is no multiple locations.

Therefore, the rejection should be reversed.

C. Is claim 43 unpatentable under 35 U.S.C. § 103(a) over Delph (US 6,286,029) in view of Kraft (US 2002/0091568)?

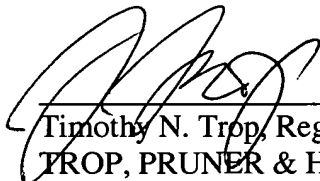
Concerning claim 43, it is suggested that Delph teaches a global positioning device coupled to the processor. This is because it is stated that Delph teaches the identification of the location or shop, citing a non-existent column 12. The fact that Kraft teaches locating shoppers and malls using global devices having GPS does not teach a processor that establishes a local area network at a retail facility between a plurality of customers and pushes information to those terminals depending on current location.

Therefore, the rejection should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: November 14, 2006



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CLAIMS APPENDIX

The claims on appeal are:

35. A method comprising:
establishing a local area network in a retail facility; and
pushing information to a mobile customer terminal coupled to said network
depending on the current location of the mobile terminal within said retail facility.
38. An article comprising a medium storing instructions that, if executed, enable a
processor-based system to:
establish a local area network in a retail facility; and
push information to a customer terminal coupled to said network depending on
the current location of the terminal within said retail facility.
40. The article of claim 38 further storing instruction that, if executed, enable said
system to access the network in response to swiping a credit card through a slot.
41. A system comprising:
a processor; and
a storage coupled to said processor storing instructions to establish a local area
network in said retail facility between a plurality of customer terminals in said retail facility and
push information to said customer terminals depending on the current location of the terminals
within the retail facility.
43. The system of claim 41 including a global positioning device coupled to said
processor.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.